IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

**CIVIL APPLICATION NO.800 OF 2004**
**IN**
**APPEAL FROM ORDER (STAMP) NO.17369 OF 2004**
**IN**
**NOTICE OF MOTION NO.3577 OF 2003**
**IN**
**S.C.SUIT NO.4687 OF 2003**

All India Scheduled Caste and Scheduled Tribes Employees Welfare Association and others ).. Applicants

Versus

Nagsen Krishna Sonare, Chairman
All India Scheduled Caste and Scheduled Tribes Employees Welfare Association ).. Respondent

Mr.N.V.Gangal with Mr.Prakash Madkaikar for the Applicants.

Mr.G.S.Bargarrao for the Respondent.

**CORAM: SMT.NISHITA MHATRE, J.**

**DATED: 4TH OCTOBER 2004**

**P.C.:**

. This Civil Application has been filed for condoning the delay in filing the Appeal From Order. According to the Applicants, the Clerk of the Advocate for the Applicants went on study leave from 21st March 2004 and resumed duty only on 18th May 2004. It appears that despite instructions to obtain certified copy, the concerned Clerk had not obtained the same and, therefore, there is a delay of 75 days in filing this Appeal.

2. This Application is opposed vehemently on behalf of the Respondent by contending that the delay from 19th May 2004 till the date when the Appeal was filed on 17th June 2004 has not been explained. Further, it is submitted that certain resolutions have been passed by the Committee and the Respondent has been reinstated as the Chairman pursuant to the Minutes of the Meeting held on 19th April 2004. In these circumstances, it is submitted on behalf of the Respondent that the delay should not be condoned.

3. Considering the submissions on behalf of the either side, I am of the view that although the Respondent has been reinstated as Chairman, it is not a reason sufficient to reject the application for condoning the delay. The Applicants can always file an Appeal even though the Respondent has been reinstated as Chairman pursuant to the impugned order. Furthermore, there is an explanation contained in the Civil Application for the delay in filing the Appeal From Order which, according to me, is satisfactory.

4. Civil Application allowed. Delay condoned. Appeal to be numbered and place for admission on 18th October 2004.